



Order Filed on November 2, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

ATKINSON & DEBARTOLO, P.C.
The Galleria, 2 Bridge Avenue, P.O. Box 8415
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Attorney for: Debtor, Alexander Figliolia

LAW OFFICE OF JUSTIN A. ZELLER, P.C.
277 Broadway, Suite 408
New York, N.Y. 10007-2036
Attorney for: Creditor, Segundo Marcial Saeteros-
Campoverde

IN RE:

ALEXANDER J. FIGLIOLIA,

Debtor-In-Possession.

Case No. 17-20755/MBK

Hearing Date: 09/17/18 @ 10:00 a.m.

Judge: Honorable Michael B. Kaplan

**CONSENT ORDER REGARDING MOTION TO EXPUNGE PROOF OF CLAIM
#15, RELIEF FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: November 2, 2018

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

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THIS MATTER having been opened to the Court by Atkinson & DeBartolo, P.C., attorneys for the Debtor, Alexander J. Figliolia (hereinafter “the Debtor”), on a Notice of Motion seeking to expunge Proof of Claim No. 15 of Seguendo Marcial Saeteros-Campoverde (hereinafter “Campoverde”), and an opposition to the Notice of Motion having been filed by the Law Offices of Justin A. Zeller, P.C., attorneys for the creditor, Brandon D. Sherr, Esq., appearing, and the parties having consented to the entry of this Order to amicably resolve the issues before the Court, and for good cause shown, it is ordered as follows:

1. The Notice of Motion seeking to expunge Proof of Claim No. 15 of Campoverde is denied without prejudice. The validity and the extent of the claim shall be determined in the matter entitled “*Campoverde v. Alex Figliolia Water & Sewer, LLC*, Docket No. 15-CV-7353 pending in the United States District Court for the Eastern District of New York.
2. Campoverde is granted limited relief from the stay, including the filing of any appeal of any judgment, solely for the purpose of continuing with the litigation pending in the United States District Court for the Eastern District of New York, to determine if Debtor is liable for the claim of the Plaintiff, and if liable the extent of the claim. In the event Judgment is entered against the Debtor for the pre-petition claim, it shall be treated as a claim in the Debtor’s Chapter 11 Disclosure Statement and Plan and Campoverde shall amend his Proof of Claim consistent with the Judgment. Any judgment entered against Figliolia is a pre-petition debt and shall only be collectible pursuant to the provisions of

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the United States Bankruptcy Code and any confirmed Plan. Any judgment entered against Figliolia shall not be a lien on asset of the Debtor Estate or upon any post-petition property of Figliolia.

3. In the event it is determined the Debtor is not liable individually for the claim of Campoverde, Campoverde shall file a withdrawal of his Proof of Claim, and shall not be entitled to participate in any distribution to creditors of the Debtor Estate.

I HEREBY CONSENT TO THE FORM AND ENTRY OF THIS JOINT ORDER.

LAW OFFICES OF JUSTIN A. ZELLER PC
Attorneys for Segundo Marcial
Saeteros-Campoverde

BY: 

BRANDON D. SHERR, ESQ.

ATKINSON & DeBARTOLO, PC
Attorneys for Debtor

BY: 

BUNCE D. ATKINSON, ESQ.